

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

NORA SECATERO,

Plaintiff,

CV 11-650-MV/CG

v.

WAL-MART STORES, INC.,  
a Delaware Corporation,

Defendant.

**ORDER DENYING PLAINTIFF'S RESPONSE  
TO DISCOVERY OBJECTIONS**

**THIS MATTER** comes before the Court on Plaintiff's *Response in Opposition to Defendant Wal-Mart Stores East, LP's Objections to Plaintiff's First Set of Discovery to Defendant* ("response"). (Doc. 30). Defendant Wal-Mart has objected to several of Plaintiff's interrogatories and requests for production because they are either vague, ambiguous, overly broad, irrelevant, unduly burdensome, or protected by attorney client privilege. (*Id.* at 2, 4). Plaintiff argues that Defendants objections are without merit and, though she does not say so explicitly, asks that the Court order Wal-Mart to respond to her discovery requests. (*Id.* at 4 ("Whether Defendant has made a reasonable effort to comply with it's discovery obligations is a matter to be decided by this Court.")). Plaintiff's response must be **DENIED**.

The Local Rules of Civil Procedure for the District of New Mexico contemplate only one response to discovery objections: a motion to compel. The local rules state that when a party is served with objections to discovery requests, the party must "proceed under D.N.M.LR-Civ. 37.1 . . ." D.N.M.LR-Civ 26.6. Rule 37.1 states that a party seeking to

challenge those objections must make a motion to compel under FED. R. CIV. P. 37. D.N.M.LR-Civ 37.1. In the motion to compel, the party must attach copies of the interrogatories and requests for production as well as the objections. *Id.* In this case, Plaintiff has failed to file a motion to compel and has not attached copies of her interrogatories, her requests for production, or Defendant's objections. Furthermore, Plaintiff has not certified that she attempted to confer in good faith with Defendant to resolve the dispute, which is required under FED. R. CIV. P. 37(a)(1).

**IT IS THEREFORE ORDERED** that Plaintiff's *Response in Opposition to Defendant Wal-Mart Stores East, LP's Objections to Plaintiff's First Set of Discovery to Defendant* be **DENIED**. Should Plaintiff wish to challenge Defendant's objections, she is instructed to file a motion in compliance with both the Local and Federal Rules of Civil Procedure.



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THE HONORABLE CARMEN E. GARZA  
UNITED STATES MAGISTRATE JUDGE